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SEP 25 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 25, 2001

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: Petition for Rule Making
FM Table of Allotments, Section 73.202(b)
Bunnell, Florida

Dear Ms. Salas:

Transmitted herewith, on behalf of Chesapeake-Portsmouth Broadcasting Corporation, are an original and four copies of its Petition for Rule Making, which seeks amendment of Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, to add Channel 254A at Bunnell, Florida, as a first local radio transmission service.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump
Counsel for Chesapeake-Portsmouth
Broadcasting Corporation

Enclosures

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01-307

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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SEP 25 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM DOCKET NO. _____
Table of Allotments, FM Broadcast Stations.) RM- _____
(Bunnell, Florida))

PETITION FOR RULE MAKING

Chesapeake-Portsmouth Broadcasting Corporation ("C-PBC"), by counsel, hereby respectfully requests that Section 73.202(b) of the Commission's Rules, the Table of Allotments for FM Broadcast Stations, be amended to add Channel 254A at Bunnell, Florida, as that community's first local transmission service. With respect thereto, the following is submitted:

1. C-PBC is seeking the allotment of Channel 254A at Bunnell, Florida, to provide that community with its first local broadcast transmission service. As set forth in the attached Engineering Statement, the proposed allotment can be made in compliance with the Commission's Rules and policies. Specifically, the proposed allotment of Channel 254A meets all separation requirements and also complies with the Commission's city coverage requirements.

2. Further, Bunnell is a growing and thriving community in need of local radio service. Bunnell is incorporated and is the county seat of Flagler County. *Rand-McNally Commercial Atlas and Marketing Guide 1999* at 293. The community had a 2000 U.S. Census population of 2,122 persons, and Flagler County had a 2000 Census population of 49,832 persons. The 2000 Census population of Bunnell represents a 13.3 percent increase over its 1990 Census population

of 1,873.

3. As the county seat, Bunnell is both a business and a governmental center. Bunnell has its own city police department. *See <http://www.flagler.com/county/statistics/facilities&services.html>*. Further, Netscape Yellow Pages indicates that two fire stations are located in Bunnell, including one for the Bunnell Fire Department. The community of Bunnell also has its own Post Office and zip code. Thus, the public services normally expected of a community are to be found in Bunnell.

4. Bunnell is home to a number of schools, as well. The schools in Bunnell are part of the Flagler County school system and include four elementary and secondary schools (Bunnell Elementary School, Old Kings Elementary School, Devereux School, and Buddy Taylor Middle School) and the county high school (Flagler Palm Coast High School). *See <http://floridasmart.com/education/county/flagler.htm>*. Additionally, the Flagler County Historical Society is located in Bunnell.

5. Bunnell also has a number of churches available to serve the spiritual needs of its residents. There are twenty churches of at least eleven denominations with a Bunnell address. *See Netscape Yellow Pages*.

6. Health facilities also are available in Bunnell. These include Memorial Hospital Flagler, as well as six doctors' offices and a dental office. In addition, a pharmacy is located in Bunnell.

7. The importance of Bunnell as a business center is illustrated by the varied array of businesses located there. These range from the Flagler County Airport to a variety of shops and services. The services available include both automobile rentals and hotels. In addition, Vintage

Restorations, which restores antique automobiles, horse-drawn carriages, and furniture is in Bunnell. See <http://www.vintage-restorations.com>. Bunnell also is home to fifteen restaurants of varied cuisine and three bars. See *Netscape Yellow Pages*. Further, numerous shops, including a gift shop, florist's shop, women's clothing store, health food store, western wear store, and saddle shop provide retail services in Bunnell. *Id.* Thus, it is clear that Bunnell has a thriving business community.


8. Based upon all of these factors, it is clear that Bunnell is a vibrant community in need of a local broadcast outlet. Bunnell not only is the county seat but also is a business center in Flagler County. It has local governmental services and is also home to county offices. Channel 254A can be allotted to Bunnell in accordance with the Commission's rules and policies. C-PBC is eager to provide a first local radio service to Bunnell. In the event that Channel 254A is allotted to Bunnell, C-PBC will apply for a construction permit for those facilities upon the opening of a filing window, and, upon grant, will expeditiously construct such facilities in accordance with its permit.

WHEREFORE, the premises considered, C-PBC respectfully requests that the FM Table of Allotments be amended to add Channel 254A at Bunnell, Florida.

Respectfully submitted,

CHESAPEAKE-PORTSMOUTH

BROADCASTING CORPORATION

By: 
James P. Riley
Anne Goodwin Crump

Its Counsel

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September 25, 2001

ENGINEERING EXHIBIT
IN SUPPORT OF RULE MAKING
CHESAPEAKE-PORTSMOUTH BROADCASTING CORPORATION
BUNNELL, FLORIDA

Engineering Statement

This Engineering Statement and the attached Figure 1 were prepared on behalf of Chesapeake-Portsmouth Broadcasting Corporation in support of a request for rule making to modify 47 CFR 73.202, *Table of Allotments*, by adding a new FM channel at Bunnell, Florida.

It is proposed to modify the *Table of FM Allotments* 47 CFR 73.202(b) as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Bunnell, Florida	- - -	254A

Allotment of the channel at Bunnell complies with the rules and regulations of the Federal Communications Commission.

Bunnell, Florida had a 2000 Census population of 2,122 persons. The city is located in Flagler County, Florida with had 2000 Census population of 49,832 persons.

Bunnell, Florida

Page 2 of 2

Bunnell does not enjoy the local transmission service of any broadcast station.

At the following reference coordinates, 29-29-38 North Latitude, 81-09-45 West Longitude, the use of FM channel 254A complies with the separation requirements of 47 CFR 73.207. The attached tabulation, Figure 1, lists pertinent stations or allotments, which potentially impact the proposed use of channel 254A at Bunnell. As will be seen, all separation requirements are met.

From the reference coordinates, the furthest city limits of Bunnell are 11.6 kilometers. As the 70 dBu (3.16 mV/m) contour for a maximum facility Class A station extends to a distance of 16.3 kilometers, there will be no difficulty in complying the city coverage requirements of 47 CFR 73.315(a).

The allotment of FM channel 254A can be accomplished in complete accord with Federal Communications Commission rules and policies.



Louis R. du Treil, Sr.
du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237-6019

September 6, 2001

Figure 1

ENGINEERING EXHIBIT
IN SUPPORT OF RULE MAKING
CHESAPEAKE-PORTSMOUTH BROADCASTING CORPORATION
BUNNELL, FLORIDA

FM Allocation Study

29° 29' 38" North Latitude
81° 09' 45" West Latitude

Call Id	City St	File Status	Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km) min max
WEAZ 12906	HOLLY HILL FL	BLIC	19990806KA	201 A 88.1	4.600 15591	Y	29-22-26 081-10-49	N	187.3	13.41 3.41	10.0 10.0 Close
WNCM-F 48390	JACKSONVILL FL	BLIC	19890630KA	201 A 88.1	1.000 149	N	30-16-34 081-33-53	N	336.1	95.01 85.01	10.0 10.0 Clear
WNCM-F 48390	JACKSONVILL FL	BLIC	19991117ABF	201 C3 88.1	8.000 151	Y	30-16-34 081-33-53	N	336.1	95.01 83.01	12.0 12.0 Clear
WHIJ 40160	OCALA FL	BLIC	19900411KA	201 A 88.1	1.250	N	29-14-17 082-07-17	N	253.2	97.33 87.33	10.0 10.0 Clear
WNUE-F 46969	TITUSVILLE FL	BLH	19950407KA	251 C1 98.1	100.000 145	N	28-50-54 080-51-44	Y	157.8	77.28 2.28	75.0 75.0 Close
WTKT 18520	CRYSTAL RIV FL	BLH	19990122KC	253 C1 98.5	100.000 299	N	29-15-34 082-34-05	N	259.5	138.91 5.91	133.0 133.0 Close
96177	SATELLITE B FL	VAC	C	253 A 98.5	0.000	N	28-10-24 080-36-12	N	159.5	156.20 84.20	72.0 72.0 Clear
WLLD 18527	HOLMES BEAC FL	BPH	19990720IF	254 C2 98.7	50.000 149	N	27-50-32 082-48-52	N	221.7	244.09 78.09	166.0 166.0 Clear
WLLD 18527	HOLMES BEAC FL	BLH	19990720KG	254 C2 98.7	50.000 149		27-50-32 082-48-52	221.7	244.09 78.09	166.0 166.0 Clear	
WKGR 1245	FORT PIERCE FL	BLH	19970624KA	254 C1 98.7	100.000 297	N	27-01-32 080-10-43	N	160.4	290.08 90.08	200.0 200.0 Clear
WMMO 23444	ORLANDO FL	BLH	19991008ABG	255 C2 98.9	44.000 159	N	28-34-27 081-27-46	N	196.0	106.05 0.05	106.0 106.0 Close
WQIK-F 29728	JACKSONVILL FL	BLH	19871029KB	256 C 99.1	100.000 309	N	30-16-34 081-33-53	N	336.1	95.01 0.01	95.0 95.0 Close
WLRQ-F 20372	COCOA FL	BLH	19910122KC	257 C2 99.3	50.000 150	N	28-16-42 080-42-03	N	161.5	142.05 87.05	55.0 55.0 Clear